



3/16/06

## MESSAGES FROM THE HOUSE

### **HB 5240 (Palmer)**

House Bill 5240 would amend the Michigan Vehicle Code to address speed limits. House Bill 5240 would amend the Michigan Vehicle Code to do the following: Establish speeds that would be "prima facie unlawful" to exceed in business districts, in public parks, and on highway segments with specified numbers of driveways or intersections. Require signs indicating "prima facie" speed limits to be posted. Designate the 55-mile-per-hour speed limit on highways where another speed limit does not apply as the "general speed limit". Designate various speed limits as "absolute speed limits", which would supersede prima facie speed limits. Increase the minimum speed on freeways from 45 miles per hour (mph) to 55 mph. Delete a provision that limits the situations in which a township may petition a county road commission for a change of speed limit. Require the Michigan Department of Transportation to establish the speed on all trunk line highways within cities and villages. Set 25 mph as the minimum speed limit that local authorities may establish in and near parks and beside playgrounds.

- The Senate concurred with the House amendments to HB 5240 [RC 142: 36 yes, 0 no].

## FINAL PASSAGE

### **SB 541 (Sanborn)**

Senate Bill 541 would enact the "Revised Structured Settlement Protection Act" and repeal the Structured Settlement Protection Act. The bill would do the following: Provide that a transfer of structured settlement payment rights would not be effective unless the transfer had been approved in a final court order or order of a responsible administrative authority. Require a transfer to be in the best interest of the payee, considering the welfare and support of his or her dependents. Require the transferee to have advised the payee to seek independent professional advice regarding the transfer. Require the transferee to give a payee a disclosure statement, including the discounted present value of the payments to be transferred, at least three days before the payee signed a transfer agreement. Require the transferee to file certain documents with the court or responsible administrative authority and serve them on all interested parties

before the hearing on the transferee's application for approval of the transfer. Require the filed documents to include notice that an interested party could support, oppose, or otherwise respond to the application. Michigan's Structured Settlement Protection Act excessively limits payees' ability to sell their structured settlement payment rights. In particular, by requiring the consent of all of the "protected parties", the Act essentially gives annuity issuers and insurance companies, with which injured parties settled their lawsuits, the power to veto a proposed transfer of settlement payments-regardless of the circumstances and regardless of whether the court finds that a transfer would prevent imminent financial hardship to the payee. While the model act still allows insurers and other interested parties an opportunity to object to a transfer, it gives the ultimate decision-making authority to the court, which is in the best position to determine whether a transfer should be approved.

- *Sanborn 1 was adopted.*
- *SB 541 was moved to 3<sup>rd</sup> Reading of Bills.*
- **SB 541 passed [RC 151: 36 yes, 0 no].**

#### **SB 816 (Kuipers)**

#### **SB 817 (Gilbert)**

Senate Bills 816 and 817 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prohibit and provide criminal penalties for unlawfully tampering with, taking, or removing a publicly owned "marine safety device"; and to include felony violations in the sentencing guidelines. Marine safety equipment is crucial to maintaining safety on Michigan beaches and piers, especially with the likelihood of rip currents in Great Lakes waters. Easy access to safety devices, such as life preservers, life rings, and ropes, can mean the difference between life and death for a swimmer in peril or a person who falls or is swept off a pier. Unfortunately, these important devices seem to be the target of thieves. According to testimony before the Senate Judiciary Committee by a member of the Great Lakes Beach and Pier Safety Task Force, in 2005, 22 life rings were stolen from the beach and pier at Grand Haven.

Senate Bill 816 specifies that, except as otherwise provided, a person who, without lawful authority, tampered with, took, or removed a marine safety device owned or maintained by the State or a political subdivision of the State, knowing or having reason to know that the device was a marine safety device, would be guilty of a misdemeanor punishable by up to 93 days' imprisonment, a maximum fine of \$1,000, or both.

- *Committee S-3 was not adopted.*
- *Cropsey 2 was adopted.*
- *SB 816 was moved to 3<sup>rd</sup> Reading of Bills*
- **SB 816 passed with IE [RC 147: 36 yes, 0 no].**

Senate Bill 817 would include the felony violations in the sentencing guidelines. A violation causing serious impairment of a body function would be a Class E felony against a person with a statutory maximum sentence of five years' imprisonment. A violation causing death would be a Class C felony against a person with a statutory maximum sentence of 15 years' imprisonment.

- *Committee S-1 was adopted.*
- *SB 817 was moved to 3<sup>rd</sup> Reading of Bills*
- **SB 817 passed with IE [RC 148: 36 yes, 0 no].**

#### **SB 848 (George)**

#### **SB 849 (George)**

Senate Bills 848 and 849 would amend the Insurance Code and the Nonprofit Health Care Corporation Reform Act, respectively, to permit an insurer or health maintenance organization (HMO), and Blue Cross and Blue Shield of Michigan (BCBSM), to offer wellness coverage. The bills would take effect on January 1, 2007. Under the bills, wellness coverage could provide for an appropriate rebate or reduction in premiums or for reduced copayments, coinsurance, or deductibles for participation in any health behavior wellness, maintenance, or improvement program offered by the employer, in the case of group coverage, or approved by the insurer, HMO, or BCBSM, in the case of individual or family coverage.

Senate Bill 848 would apply to an insurer providing an expense-incurred hospital, medical, or surgical certificate delivered, issued for delivery, or renewed in this State, as well as an HMO.

- *George 1a was adopted.*
- *Committee S-1 was adopted.*
- *SB 848 was moved to 3<sup>rd</sup> Reading of Bills.*
- **Emerson 1 was adopted [RC 149: 19 yes, 17 no]. (no adverse effect in employment if not a participant in a wellness program)**
- **Emerson 1 was reconsidered [no RC].**

#### **SB 881 (Patterson)**

#### **SB 882 (Patterson)**

Senate Bill 881 would create the "Veterans Memorial Property Commission Act" to establish the Veterans Memorial Property Commission, which would consist of six members appointed by legislative leaders and one member appointed by the Department of Military and Veterans Affairs. The Commission would have to determine whether any military-related site in the State should be acquired, by purchase or otherwise, on behalf of the State for protection as a military or veterans memorial site. The Commission would have to recommend to the Legislature and to the Department of Management and Budget the acquisition of specific property if a majority of the members voted to make that recommendation. After reviewing the Commission's report, the Legislature would have to determine how and whether to proceed.

- *Committee S-1 was not adopted.*
- *Patterson 2 was adopted.*
- *SB 881 was moved to 3<sup>rd</sup> Reading of Bills*
- **SB 881 passed with IE [RC 143: 36 yes, 0 no].**

Senate Bill 882 would create the "Veterans Memorial Property Act" to specify that the Veterans Memorial Park and any other property owned by the State that was dedicated to memorializing veterans could be used solely for the purpose of honoring and memorializing veterans of the State. The bill also specifies that the boundaries of State-owned property that was dedicated to memorializing veterans could not be encroached, and the property could not be desecrated. A person who violated the bill would be responsible for a civil infraction and could be ordered to pay a maximum civil fine of \$500.

- *Paterson 1 was adopted.*
- *SB 882 was moved to 3<sup>rd</sup> Reading of Bills*
- **SB 882 passed with IE [RC 144: 36 yes, 0 no].**

### **SB 945 (Toy)**

Senate Bill 945 would amend the Michigan Election Law to allow a county board of commissioners to convert the position of drain commissioner to an elected office or an appointed position in a county with a population of 500,000 or more; require a public hearing on the question; and require that a vacancy in the office of county drain commissioner be filled by appointment by a majority vote of the county board of commissioners.

- *Toy 1a was adopted.*
- *Committee S-2 was adopted.*
- *SB 945 was moved to 3<sup>rd</sup> Reading of Bills.*
- **Birkholz 1 (S-3) was adopted.**
- **SB 945 passed [RC 150: 29 yes, 7 no].**

### **SB 1124 (Kuipers)**

Senate Bill 1124 would amend the Revised School Code to do the following: Require students to earn the following credits before receiving a high school diploma, beginning with students entering the 8th grade in 2006: 4 in English language arts; 4 in math (including algebra I and II and geometry); 3 in science; 3 in social science; 1 in health and physical education; and 1 in visual, performing, or applied arts. Require all high school students to participate in an online course or learning experience. Beginning with 9th graders in 2009, require all high school students to earn two credits in a language other than English before receiving a diploma. Require algebra, geometry, and science credits earned before high school to be counted toward the requirements; and include a similar provision for foreign language. Require the Department of Education (DOE) to develop subject area content expectations and guidelines for the required credits, and to develop subject area assessments to evaluate whether students met the expectations or guidelines. Require students to complete all subject area assessments developed by the DOE, the Michigan Merit Examination, or the MI-Access assessments before receiving a diploma. -- Allow a student's parent or legal guardian to request a modification of the math or science requirements after the first semester of 11th grade, or a modification of the algebra II requirement at the end of 10th grade under certain circumstances. Require all students in 7th grade to take a career pathways program. Require students to take a specific number of elective courses, to be determined by the local district or public school academy that would have to be

aligned with one or more specified 21st century learning and teaching skills. Allow school districts that were unable to comply with all requirements under the bill to submit to the DOE a plan to phase in the requirements.

- *Cassis 1a was not adopted.*
- *Kuipers 1b was withdrawn.*
- *Kuipers 1c was adopted.*
- *Kuipers 1d was adopted.*
- *Kuipers 1e was adopted.*
- *Kuipers 1f was adopted.*
- *Kuipers 1g was adopted.*
- *Kuipers 1h was adopted.*
- *Van Woerkom 1i was adopted.*
- *Kuipers 1j was adopted.*
- *Cherry 1k was not adopted.*
- *Scott 1L was not adopted.*
- *Committee S-1 was adopted.*
- *SB 1124 was moved to 3<sup>rd</sup> Reading of Bills.*
- *Scott 1 was not adopted [no RC].*
- *Cassis 2 was adopted [RC 145: 19 yes, 17 no]. (instead of taking the Algebra II class, a student and his or her parents could work with the school's guidance counselor on coming up with an independent line of study that covers basically the same content.)*
- *Cassis 3 was adopted.*
- *Switalski 4 was not adopted.*
- *Switalski 5 was adopted.*
- *Switalski 6 was withdrawn.*
- *Switalski 7 was not adopted.*
- *SB 1124 passed [RC 152: 35 yes, 0 no].*

#### **HB 4643 (Jones)**

House Bill 4643 would extend a concealed pistol license for up to 180 days if its renewal or denial were not completed in 60 days.

- *Committee S-3 was not adopted.*
- *Cropsey 2 was adopted.*
- *HB 4643 was moved to 3<sup>rd</sup> Reading of Bills*
- *HB 4643 passed with IE [RC 146: 31 yes, 5 no].*